

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

JAMES TAYLOR AND KAREN CHAPMAN,  
INDIVIDUALLY, AND ON BEHALF OF THE  
ESTATE OF JOSHUA TAYLOR  
Plaintiffs

versus

EDWARD W. WONG, M.D.  
Defendant

\* CIVIL ACTION  
\*  
\* NO.  
\*  
\*  
\*  
\* SECTION “ ”  
\*  
\*  
\* MAG. DIV.

\* \* \* \* \*

**NOTICE OF REMOVAL**

NOW INTO COURT, through undersigned counsel, come defendants Edward W. Wong, M.D., Virtual Radiologic Corporation and Virtual Radiologic Professionals, L.L.C. [formerly known as Virtual Radiologic Professionals, P.L.C., L.L.C.], who respectfully represent:

1.

On or about December 28, 2010, plaintiffs James Taylor and Karen Chapman, in their individual and representative capacities, filed a petition for damages in the 4<sup>th</sup> Judicial District Court for the Parish of Ouachita, State of Louisiana, civil action no. 2010-4414, Section C-2, seeking monetary damages from defendants for alleged medical malpractice.

2.

On or about January 13, 2011, plaintiffs filed a first supplemental and amended petition for damages.

3.

Plaintiffs served defendants with their original and first supplemental and amended petitions on January 19, 2011 via CT Corporation, their agent for service of process.

4.

Therefore, as of the date of this filing, defendants are within the statutory 30-day window for removal, pursuant to 28 USC § 1446(b).

5.

Plaintiffs seek a judgment against defendants for survival and wrongful death damages arising out of the death of their 18-year-old son.

6.

Defendants desire to and do hereby remove the aforesaid state court proceeding no. 2010-4414 (C-2) to the United States District Court for the Western District of Louisiana, Monroe Division, where it might originally have been filed.

7.

Defendants assert that subject matter jurisdiction in this Court is appropriate pursuant to 28 U.S.C. § 1332 (diversity of citizenship). They note that plaintiffs are, according to their petition, residents of and domiciled in Franklin Parish, Louisiana.

8.

Defendant Edward W. Wong, M.D. is a resident of Hong Kong.

9.

Defendant Virtual Radiologic Corporation is a Delaware Corporation with its principal place of business in Minnesota.

10.

Defendant Virtual Radiologic Professionals, L.L.C. is a Delaware limited liability company with its principal place of business in Minnesota; it was formerly known as Virtual Radiologic Professionals, P.L.C., L.L.C., a Minnesota limited liability company with its principal place of business in Minnesota.

11.

Removal on the basis of diversity of citizenship is therefore proper. Based on the allegations in plaintiffs' petition as amended, principally the wrongful death of a formerly healthy 18-year-old, plaintiffs' claims, should they prove meritorious, would more likely than not result in a damage award in excess of \$75,000.

12.

Based on the nature of plaintiffs' claims, it is apparent that the requisite amount in controversy is present with respect to this action.

13.

Pursuant to 28 U.S.C. §§ 1332, 1441(a) and 1446(a), and without prejudice to any defense defendants may have to plaintiffs' action, defendants Edward W. Wong, M.D., Virtual Radiologic Corporation and Virtual Radiologic Professionals, L.L.C. (formerly known as Virtual Radiologic Professionals, P.L.C., L.L.C.), which are completely diverse from plaintiffs, file this Notice of Removal.

14.

Pursuant to 28 U.S.C. § 1446(a), the pleadings filed in the state court action are being filed along with this Notice of Removal, and are attached hereto as Exhibit A.

15.

Pursuant to 28 U.S.C. § 1446(d), promptly after the filing of this Notice of Removal with this Court, copies of this Notice of Removal (without the attached state court pleadings) will be filed with the Clerk of Court for the 4th Judicial District Court for the Parish of Ouachita, State of Louisiana, and will be served on counsel for plaintiff in the removed action.

16.

Pursuant to 28 U.S.C. § 1446(d), the filing of this Notice of Removal in this Court and the filing of same with the state court serve immediately to confer on this Court exclusive jurisdiction over this action and simultaneously to divest the state court of jurisdiction with respect to this action.

WHEREFORE, defendants hereby give notice that the hereinabove described proceeding no. 2010-4414 on the docket of Section C-2 of the 4<sup>th</sup> Judicial District Court for the Parish of Ouachita, State of Louisiana, is removed from the said state court to the United States District Court for the Western District of Louisiana, Monroe Division, for further proceedings and disposition in accordance with law.

s/C. Wm. Bradley, Jr.  
C. WM. BRADLEY JR. (#03371)  
RICHARD S. CRISLER (#28007)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 25, 2011, a copy of the foregoing Notice of Removal was filed electronically with the Clerk of Court using the CM/ECF system. I also certify that I have mailed by United States Postal Service this filing to plaintiff's attorney, Brian A. Gilbert, 2030 St. Charles Avenue, New Orleans, LA 70130.

s/C. Wm. Bradley, Jr.  
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